

REMARKS

In the Office Action, the Examiner rejected claims 41-50 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner rejected claims 1-27, 30-33, 36-37, 41-60, and 63-67 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent number 6,324,335, issued to Kanda et al. ("Kanda") in view of U.S. Patent Publication number 2003/0164845 by Fayan et al. ("Fayan"). The Examiner rejected claims 28-29, 38-40, and 61-62 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of U.S. Patent number 5,682,326 by Klingler et al. ("Klingler"). The Examiner rejected claims 34-35 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of U.S. Patent Publication number 2004/0012594 by Gauthier et al. ("Gauthier").

In this Response, Applicant has amended claims 16, 18-19, and 33. Applicant has not added any claims. Applicant has canceled claims 14-15. Accordingly, claims 1-13 and 16-67 will be pending after entry of these Amendments.

I. REJECTION OF CLAIMS 41-50 UNDER 35 U.S.C. §101

Applicant respectfully submits that a graphical user interface is not per se non-statutory. The MPEP does not rule out all computer programs as non-statutory. The MPEP provides that:

When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim.

MPEP § 2106.01

Furthermore, 35 U.S.C. §101 states that "[w]hoever invents... any new and useful improvements [of a process, machine, manufacture, or composition of matter] may obtain a patent therefore".

The Office Action states that "the language of the claims raise a question as to whether the claims are directed to an abstract idea that is not tied to a technological art, environment, or

machine”. Applicant respectfully submits that a GUI, by its very nature, is tied to a machine. In particular, a GUI is tied to the display(s) and user interface devices of the machine. Therefore, a new and useful GUI is a “new and useful improvement of a machine”. In fact, the description given by the Patent Office for the 2170 family of art units is “Graphical User Interfaces”.

Applicant respectfully submits that the GUI of claim 41 bears out this connection to a display and user interfaces, as it specifically recites a display area for displaying a video presentation and a selectable GUI graph representing the playback-time of the video presentation relative to the content-time of the video presentation, where a speed effect is specified by selecting and modifying the graph. Therefore, the GUI is an improvement of an existing machine.

Accordingly, Applicant respectfully requests that the Examiner withdraw the § 101 rejection of claims 41-50.

II. REJECTION OF CLAIMS 1-13 UNDER 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1-13 under §103(a) as being unpatentable over Kanda in view of Fayan. Claims 2-13 depend, directly or indirectly, from claim 1, and are thus patentable for at least the reasons specified below with regard to claim 1. Claim 1 recites a method of specifying speed effects for playing a video clip. The method receives a set of speed effects for the video clip through a set of modifications of a user selectable graph that represents a playback-time in relation to a content-time of the video clip. The method displays, in real-time, a presentation of the video clip that accounts for the set of speed effects defined for the video clip.

For at least two reasons, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 1 obvious.

A. Cited references do not show all limitations or render them obvious

First, Applicants respectfully submit the cited combination does not provide every element of claim 1 and do not make every element of claim 1 obvious. For example, as the Office Action indicates, Kanda does not disclose receiving speed effects through a set of modifications of a user selectable graph. The Office Action cites Fayan as providing this, however, nothing in Fayan teaches, discloses, or even suggests that the graph of Fayan is a user selectable graph or that the speed effects are received by modifications of the graph. The specific paragraphs and figures of Fayan cited in the Office Action indicate that the graphs of Fayan may be edited, but nothing in them discloses that speed effects are received by a set of modifications of the graph, rather than the effects being provided by other means and the graph reflecting changes made elsewhere. For example, Fayan states “a user may define the speed curve through a user interface that allows a function curve to be defined”. Fayan, para. 25. Fayan then describes integrating the speed curve to produce a position curve. Fayan never suggests receiving speed effects by modifications of the position graph, or even modifications of the speed graph.

B. There is no obvious reason to combine Kanda and Fayan

The question of whether Kanda could properly be modified in a §103(a) rejection is not whether a particular limitation was known, but rather whether there is a reason that would make it obvious for one of ordinary skill in the art at the time of the invention to modify the cited reference to include that particular limitation. The Office Action must identify a reason why it would have been obvious to combine the cited references. Furthermore, this reason would have to be obvious at the time of filing of the application.

Here, Kanda and Fayan each disclose separate and distinct inventions that have their own methods of doing things. Kanda has its own methods of indicating timing and speed of clips, for example, see the running man icon of Figure 13. There is nothing that would make it obvious to

one of ordinary skill in the art to arbitrarily remove the existing, functioning method of Kanda in favor of a different method. There is also nothing in Fayan to indicate that the existence of a timeline in a program would make the graphs of Fayan obvious to combine with a program that already had a different method of indicating timing and speed of clips.

Accordingly, Applicant respectfully submits that Kanda and Fayan do not render claim 1 unpatentable. As claims 2-13 are dependent, directly or indirectly on claim 1, Applicant respectfully submits that claims 2-13 are patentable over Kanda and Fayan for at least the same reasons that claim 1 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 1-13.

III. REJECTION OF CLAIMS 14-19 AND 33-35 UNDER 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 14-19 and 33 under §103(a) as being unpatentable over Kanda in view of Fayan. The Examiner rejected claims 34-35 as being unpatentable over Kanda in view of Fayan, in further view of Gauthier. Claims 17-19 and 33-35 depend, directly or indirectly, from claim 16, and are thus patentable for at least the reasons specified below with regard to claim 16. Claim 16 recites a computer readable medium that stores a computer program for specifying speed effects for playing a video clip. The computer program is executable on one or more processors. The computer program defines a set of speed effects for the video clip. The program displays, in real-time, a presentation of the video clip that accounts for the set of speed effects defined for the video clip. The program provides a graph that represents a playback-time in relation to a content-time of the video clip. The program allows the user to modify the graph by receiving user inputs of modifications to the graph. The program converts the user inputs of modifications of the graph into a set of speed effects.

Applicant has rewritten claim 16 in independent form to include the limitations of canceled claims 14 and 15. Applicant has modified the language to fit the structure of an

independent claim, rather than directly cutting and pasting the limitations from the pre-existing claims. However, the scope of independent claim 16 is the same as the scope of the previous dependent claim 16.

Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 16 unpatentable because it does not provide or make obvious every element of claim 16. For example, as explained in detail with respect to claim 1, the combination of Kanda and Fayan do not disclose, teach, or even suggest converting user inputs of modifications of the graph into a set of speed effect.

Furthermore, as explained in more detail above, with respect to claim 1, there is no reason it would be obvious to combine Kanda and Fayan. Accordingly, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 16 unpatentable. As claims 17-19 and 33-35 are dependent, directly or indirectly on claim 16, Applicant respectfully submits that claims 17-19 and 33-35 are patentable over Kanda for at least the same reasons that claim 16 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejections of claims 16-19, and 33-35.

IV. REJECTION OF CLAIMS 20-32 AND 36-40 UNDER 35 U.S.C. § 103(a)

In the Office Action, The Examiner rejected claims. The Examiner rejected claims 20-27, 30-32, and 36-37 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. The Examiner rejected claims 28-29 and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of Klingler.

Claims 21-32 and 36-40 depend, directly or indirectly, from claim 20, and are thus patentable for at least the reasons specified below with regard to claim 20. Claim 20, recites a graphical user interface ("GUI") method for specifying speed effects for a video presentation. The method, as part of the GUI, provides a GUI graph of a playback-time relative to a content

time of the video presentation. The method allows a user to modify the graph by selecting a portion of the graph and performing a GUI drag operation.

Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 20 unpatentable because it does not provide or render obvious every element of claim 20. For example, neither Kanda nor Fayan discloses, teach, or even suggests modifying a graph of a playback time relative to a content time of a video presentation by selecting a portion of the graph and performing a GUI drag operation. The Office Action cites Kanda as teaching allowing the user to drag events, however, the events of Kanda are not the graph of claim 20. The dragging operations of Kanda, cited as teaching this limitation do not modify a graph at all. In contrast, claim 20 recites allowing a user to modify the graph by selecting a portion of the graph and performing a GUI drag operation.

Furthermore, as explained in more detail above, there is no reason it would have been obvious to one of ordinary skill in the art to combine Kanda and Fayan. Accordingly, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 20 unpatentable. As claims 21-32 and 36-40 are dependent, directly or indirectly on claim 20, Applicant respectfully submits that claims 21-32 and 36-40 are patentable over the combination of Kanda and Fayan for at least the same reasons that claim 20 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 20-32 and 36-40.

V. REJECTION OF CLAIMS 41-50 UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 41-50 as being unpatentable over Kanda in view of Fayan. Claims 42-50 are dependent directly or indirectly on claim 41. The Office Action states that claim 41 is rejected along the same rationale as claim 20. Accordingly, Applicant requests

reconsideration and withdrawal of the rejection along the same rationale as claim 20. For example, the cited references do not disclose selecting and modifying the graph.

Accordingly, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 41 unpatentable. As claims 42-50 are dependent, directly or indirectly on claim 41, Applicant respectfully submits that claims 42-50 are patentable over the combination of Kanda and Fayan for at least the same reasons that claim 41 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 41-50.

VI. REJECTION OF CLAIMS 51-64 UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 51-60, and 63-64 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. The Examiner rejected claims 61-62 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan in further view of Klingler.

Claims 52-64 depend, directly or indirectly from claim 51. The Office Action states that claim 51 is rejected along the same rationale as claim 20. Accordingly, Applicant requests reconsideration and withdrawal of the rejection along the same rationale as claim 20. For example, the cited references do not disclose allowing a user to specify a speed effect for the video presentation by selecting and modifying a portion of the graph through performing a GUI drag operation.

Accordingly, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 51 unpatentable. As claims 52-64 are dependent, directly or indirectly on claim 51, Applicant respectfully submits that claims 52-64 are patentable over Kanda for at least the same reasons that claim 51 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 51-64.

VII. REJECTION OF CLAIMS 65-67 UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 65-67 under 35 U.S.C. §103(a) as being unpatentable over Kanda in view of Fayan. Claims 66-67 depend, directly or indirectly from claim 65. Claim 65 recites a video editing system with a data storage medium for providing a video clip. The system has a video editing application for providing a set of speed effect settings. The system has an effects manager for (1) receiving the set of speed effect settings from the video editing application, (2) receiving the video clip from the data storage, and (3) providing the video clip as individual frames to the video editing application at a rate based on the speed effect settings.

The Office Action does not address the limitation of “providing the video clip as individual frames to the video editing application at a rate based on the speed effect settings.” Neither Kanda nor Fayan nor their combination disclose, teach, or suggest such a limitation. Furthermore, as explained in more detail above, there is no reason why it would have been obvious to combine Fayan and Kanda.

Accordingly, Applicant respectfully submits that the combination of Kanda and Fayan does not render claim 51 unpatentable. As claims 52-64 are dependent, directly or indirectly on claim 51, Applicant respectfully submits that claims 52-64 are patentable over Kanda for at least the same reasons that claim 51 is. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejections of claims 51-64.

CONCLUSION

In view of the foregoing, it is submitted that all the claims, namely claims 1-13 and 16-67 are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date.

Respectfully submitted,

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